

TOWNSHIP OF HARDWICK
WARREN COUNTY, NEW JERSEY

MAY 5, 2021

The Business Meeting of the Hardwick Township Committee was held on this date at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey. This meeting was called to order at 6:30PM by the Township Clerk Judith Fisher who noted that this meeting was being held in compliance with the "Open Public Meetings Act":

Mayor Duffy noted that since the Municipal Building is closed to the Public, this is a virtual meeting being done through Zoom because of the Coronavirus Pandemic.

In accordance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of notice with the New Jersey Herald and/or the Express-Times, filed in the Municipal Clerk's Office and posted on the Township Web page and in the Hardwick Municipal Building.

Mayor Kevin Duffy then led the public in the pledge of allegiance.

Roll Call:

Present: Mayor Kevin Duffy, Deputy Mayor John Lovell, Jr. and Committeewoman Jodi Butler

Also present: Township Attorney Michael Lavery, CPWM, CPWM Thomas Campbell

Absent: , CMFO Christine Rolef, excused tonight but will be attending the May 19 meeting.

Mayor Duffy thanks those that joined us tonight using Zoom. The other Board meetings will also be using Zoom. He apologized for any glitches.

EXECUTIVE SESSION: RESOLUTION

A motion was made by Mr. Lovell, seconded by Ms. Butler, and carried to adopt the Resolution to go into Closed Session at 6:31PM.

RESOLUTION

WHEREAS, Section 8 of the Open Public Meeting Act, Chapter 231, P. L 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hardwick, in the County of Warren and State of New Jersey as follows:

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - A. Personnel Matter - recruitment
 - B. Contractual/Paulinskill Road - Attorney Client

As nearly as can be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

Time In: 6:31PM

Present: Mr. Lovell, Ms. Butler, Mr. Duffy

Also Present: Attorney Richard Wenner and Township Clerk Judith Fisher

Time Out: 7:00PM

Motion was made by Mr. Lovell, seconded by Ms. Butler, and carried to come out of closed session. Motion carried and a voice vote was unanimous.

Mr. Lavery, Township Attorney noted that he met with the Committee and discussed two issues, litigation – Paulinskill Road and Personnel- recruitment. No official action was taken by the Committee at this time. Copies of the minutes will be made available at such time as the Committee determines that there is no harm to the public interest.

PAYMENT OF THE BILLS:

A motion was made by Mr. Lovell, seconded by Ms. Butler to pay the March bills that totaled \$1,136,989.65. Motion carried followed by a roll call vote:

Roll Call

Ayes: Mr. Lovell, Ms. Butler, Mr. Duffy

Nays: None

Abstentions: None **Absent:** None

REPORTS:

Mr. Campbell, CPWM: reported that he has been filling potholes, cleaning drains and getting the equipment ready to clean roads.

Mrs. Rolef, CFO: excused absence tonight. Will be at the May 19th meeting

Mr. Lavery, Twp. Attorney: no report for this month

Mrs. Fisher, Twp. Clerk: no report for this month

Mr. Joseph Dunn, OEM reported that the Governor has ok public gatherings and he has been in discussion with the Mayor on where to go with opening the Municipal Building. He will put together a memo and note for the front door with the requirement for the public to enter the building. He also discussed safety for the employees. The Committee is looking to open the building June 1st.

RESOLUTION

Motion was made by Mr. Lovell, seconded by Mr. Duffy to adopt **Resolution 2021-30** as presented tonight. Motion carried and a voice vote was unanimous.

RESOLUTION OPPOSING CUTS IN STATE SCHOOL AID ALLOCATIONS TO WARREN COUNTY SCHOOL DISTRICTS

WHEREAS, the Fiscal Year 2021 K-12 State School Aid amounts have been released by the New Jersey Department of Education, Office of School Finance; and

WHEREAS, Warren County's funding level will remain virtually unchanged from last year, with a 0.07% increase indicated; however, the 14 other counties receiving increases range from 5.39% (Gloucester) to 16.32% (Bergen); and

WHEREAS, only 8 of Warren County's 23 school districts are receiving funding increases, while the remaining 15 districts will see dramatic cuts to their state school aid, with the most of them receiving double-digit decreases; and

WHEREAS the state school aid decreases for 2022 in Warren County are as follows: Alpha Borough: -3.34%; Blairstown Township: -24.47%; Franklin Township: -20.67%; Frelinghuysen Township: -21.55%, Great Meadows Regional: -24.00%; Greenwich Township: -6.23%, Harmony Township: -1/17%; Hope Township: -21.74%, Knowlton Township: -28.65%, Lopatcong Township: -0.25%, North Warren Regional: -25.77%, Oxford Township: -7.12%, Warren Hills Regional: 2.12%, Washington Township: -23.97%, White Township: -22.01%; and

WHEREAS, the Warren County Board of County Commissioners finds these decreases to be detrimental to our County's school district and will hinder their ability to provide the high quality of education that our students deserve.

NOW, THEREFORE, BE IT RESOLVED that the Hardwick Township Committee of the County of Warren, opposes the announced Fiscal Year 2022 K-12 State School Aid amounts and urges the New Jersey Department of Education, Office of School Finance to restore funding to our school districts.

RECORDED VOTE: Mr. Lovell yes, Ms. Butler yes, Mayor Duffy yes

I hereby certify the above to be a true copy of a Resolution adopted by the Hardwick Township Committee of the County of Warren on the date mentioned above.

Judith M. Fisher, RMC
Township Clerk

Comments: He would like to talk with Senator Sweeney on the bill for School Consolidation. He would like to encourage the State Senators to discuss and moved forward a positive bill.

Motion was made by Mr. Lovell, seconded by Ms. Butler to adopt **Resolution 2021-31** as presented tonight. Motion carried and a voice vote was unanimous.

2021-31 AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, Township of Hardwick desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

BE IT RESOLVED, by the Township of Hardwick, County of Warren, State of New Jersey as follows:

1. Township of the Hardwick hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.
2. The Township of Hardwick Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Hardwick officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

C E R T I F I C A T I O N

I, Judith M. Fisher, Clerk of the Township of Hardwick, hereby certify the foregoing to be a true copy of a Resolution adopted by the Hardwick Township Committee at a duly convened meeting held on May 5, 2021.

Judith M. Fisher, Township Clerk

The following Resolution 2021-32 is on hold as the Committee had questions about opting out and what if JCP&L rate dropped, would they honor

2021-32 A RESOLUTION OF THE TOWNSHIP OF HARDWICK AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of Hardwick has determined to move forward with the EMEX Reverse Auction in order to procure electricity for the Local Unit; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Township of Hardwick will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act.

NOW THEREFORE BE IT RESOLVED that the Mayor of the Local Unit is hereby authorized to execute on behalf of Hardwick Township any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction.

ORDINANCE: 2nd Reading and Public Hearing

Motion made by Mr. Lovell, seconded by Ms. Butler and carried to approve the following **Ordinance 2021-03** for second reading and public hearing. Motion carried and a voice vote was unanimous.

2021-03 AN ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF HARDWICK, NEW JERSEY TO CSC TKR, LLC

WHEREAS, the governing body of Township of Hardwick (hereinafter referred to as the "Township") determined that CSC TKR, LLC (hereinafter referred to as "the Company") has the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for the Company's predecessor in interest, Service Electric Cable T. V. of New Jersey, Inc. ("SECTV") to obtain a non-exclusive franchise (the "Franchise") for the placement of facilities and the establishment of a cable television system in the Municipality; and

WHEREAS, by application for renewal consent filed with the Township and the Office of Cable Television on or about October 14, 2011, SECTV, and the Company as its successor in interest, has sought a renewal of the Franchise; and

WHEREAS, on or about July 14, 2020; with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the "Board") the Company completed its purchase of the assets of SECTV, including the cable television franchise for, and the cable television system within the territorial limits governed by, the Township, and

WHEREAS, the Township having held public hearings has made due inquiry to review the Company's performance under the Franchise, and to identify the Township's future cable-related needs and interests and has concluded that the Company has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township's future cable-related needs and interests;

WHEREAS, the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided the Company's proposal for renewal embodies the commitments set forth below, the Township's municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Township is a basic assumption of the parties;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township Hardwick, County of Warren, and State of New Jersey, as follows:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

"Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.

"Application" shall mean the Company's application for Renewal of Municipal Consent, which application is on file in the Township Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.

"Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.

"Township" shall mean the governing body of the Township Hardwick in the County of Warren, and the State of New Jersey.

"Company" shall mean CSC TKR, LLC, the grantee of rights under this Ordinance.

"FCC" shall mean the Federal Communications Commission.

"Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.

"Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.

"Municipality" shall mean the area contained within the present municipal boundaries of the Township of Hardwick in the County of Warren, and the State of New Jersey.

"Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.

"State" shall mean the State of New Jersey.

"State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Township having received all comments regarding the qualifications of the Company to receive this consent, the Township hereby finds the Company possesses the necessary legal, technical, character, financial and other qualifications to support

municipal consent, and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Township hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If the Company seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and the Company shall be bound by the terms of this municipal consent until such time as the Company converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the Company shall apply to the entirety of the Municipality and any property hereafter annexed.

SECTION 7. SERVICE AREA

The Company shall be required to proffer video programming service along any public right-of-way to any person's residence within the "primary service area," as it exists on the effective date of any written approval order by the Board of this consent, at The Company's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Pursuant to the requirements of the Board, as ordered in its approval of the transfer of the Franchise from SECTV to the Company (Docket No. CM20030211, effective July 6, 2020): (1) The Company shall complete all needed construction necessary to provide service to the entirety of Spring Valley Road between Millbrook Road and the Hardwick municipal building driveway in the Municipality; and (2) upon request, the Company shall extend service along any public right of way outside its primary service area to those residences or small businesses within the franchise territory which are located in areas that have a residential home density of twenty-five (25) homes per mile or greater (as measured from the then existing primary service area), or areas with less than twenty-five (25) homes per mile where residents and/or small businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, the Company shall pay to the Township, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and the Company shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by the Company that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE

Subject to applicable federal regulations, the Company shall, upon written request, provide free of charge, one (1) standard installation and monthly internet service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Municipality. Hardwick Township shall make a one time payment in the amount of \$2,500.00 to cover permit fees incurred by Altice in exchange for free internet service.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

The Company shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore

(b) and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

The Company shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

The Company shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

The Company agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

The Company shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. The Company shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,

In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,

The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,

Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Municipality files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Municipality. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

SECTION 18. EMERGENCY USES

The Company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Municipality creates a significant competitive disadvantage to the Company, the Company shall have the right to request from the Township lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support The Company's request for such relief from the Board.

In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, the Company at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless the Company, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. The Company shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All the Company support for PEG access shall be for the exclusive benefit of the Company's subscribers.

B. The Township agrees that the Company shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on such channel.

C. The Company shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other written amendments thereto submitted by The Company in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically

modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA
1 Court Square West, 49th Floor
Long island City, NY 11101
Attention: Senior Vice President for Government Affairs

With a copy to:

CSC TKR, LLC
c/o Altice USA

1 Court Square West
Long island City, NY 11101
Attention: Legal Department

Notices to the Township shall be mailed to:

Township of Hardwick
40 Spring Valley Road
Hardwick, NJ 07825

Attention: Township Manager

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon The Company converting the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 27. REPEALER.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Hardwick, held April 14, 2021, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on May 5, 2021, at 7:00 p.m., at the Municipal Building, located at 40 Spring Valley Road, Hardwick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Judith Fisher, Township Clerk

MOTION was made by Mr. Lovell, seconded by Ms. Butler and carried to open this option of the meeting to the Public for any questions/comments.

Seeing that there were no questions from the Public on Ordinance 2021-03, a motion was then made by Ms. Butler to close this portion of the meeting to the Public, seconded by Mr. Lovell. Motion carried.

Motion was then made by Mr. Lovell, seconded by Ms. Butler to adopt Ordinance 2021-03 on 2nd reading. Motion carried followed by a roll call vote:

Roll Call

Ayes: Mr. Lovell, Ms. Butler, Mr. Duffy

Nays: None

OLD BUSINESS:

Spring Clean Up – Scheduled for September 20 – 25, 2021 at the Township Garage.

Altice/Optimum: Attorney noted that all they are waiting for the Township's check for \$2500.00 for the permit fee.

Web Site: Update Committee is actively looking for at 3 vendor demos. They want to compare apples to apples.

NEW BUSINESS:

Knowlton Fire Service: Request contribution for additional monies for equipment Knowlton covers our portion of Route 80. Their renewal contract would be for 6 years. Since they are asking for a lump sum, Mr. Lovell questioned if there was a limit/cap on what we can give them. The Attorney will research.

Broadband Funding Grant Opportunity: Mr. Duffy noted that several townships are discussing maybe other townships partnering together for this Grant. He has also been working with Congressman Gottheimer about monies being awarded to local municipalities. He submitted a proposal to redo the web and a new server with equipment. He was notified that Hardwick made the cut of 1 out of 10 who applied.

Replacement of Equipment Operator/Laborer Position: There is working being done to update the job description. The advertisement for this position is ready to be advertised. Mr. Campbell and Ms. Fisher will take part in the interviews along with a committee member. Recommendation for hiring will be made to the Township Committee soon.

NJ Cannabis Law: Ordinance

Mr. Lavery did an overview of the proposed ordinance.

Motion made by Mr. Lovell, seconded by Ms. Butler and carried to approve the introduction of **Ordinance 2021-04** for first reading. Motion carried and a voice vote was unanimous.

2021-04 AN ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND CREATING CHAPTER 3-10 OF THE CODE OF THE TOWNSHIP OF HARDWICK

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Hardwick has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Hardwick in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Hardwick’s residents and members of the public who visit, travel, or conduct business in the Township of Hardwick, to amend the Township of Hardwick’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Hardwick; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hardwick, in the County of Warren, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Hardwick, except for the delivery of cannabis items and related supplies by a delivery service.
2. Section 3-10 of the Code of the Township of Hardwick is hereby amended by adding to the list of prohibited uses, the following: “All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.”
3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Hardwick inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Warren County Planning Board, and as otherwise provided for by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Hardwick, held May 5, 2021, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on June 2, 2021, at 7:00 p.m., at the Municipal Building, located at 40 Spring Valley Road, Hardwick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Judith Fisher, RMC
Township Clerk

Second reading and Public Hearing will be at the June 2, 2021, meeting.

DISCUSSION

Dept of Public Works: Recruitment of second full time member
Interview will be conducted tomorrow, May 6, 2021

Job Description: DPW Mr. Lovell is presently working on this and will be meeting with the Attorney to discuss whether to do by Resolution or Ordinance

Vass Farmstead Lease: Lease agreement will be expiring soon. The Township sent a revised lease to the State DEP that rejected it and sent it back with revisions. We have heard nothing back from them yet.

Hardwick House: No update at this time. Will be removed from the agenda at this time

Municipal Building Opening: Update Plans are to open June 1st.
Discussion on maybe revamping the hallway to greet the people, security system and an intercom system. Mr. Lovell will be working on this.

Memorial Day Parade, May 30th: American Legion request for a donation
Mr. Lovell reached out to Mr. Ohl from the American Legion to see if there was a way that the Township could work with a company to pay them directly. Mr. Ohl suggested that the Township could pay for the trophies that are about \$500.00. Committee agreed to do this.

Twp. Millstone: Resolution requesting Municipalities to join together in a consortium to help improve JCP&L overall services.
The Committee discussed and there is mixed feeling on adopting. Mayor Duffy noted that he has mixed feeling on this resolution and will talk with other Mayors to see what they did.

APPROVAL OF MINUTES: None at this time

PUBLIC COMMENTS:

A motion was made by Mr. Lovell, seconded by Ms. Butler, and carried to open this portion of the meeting for comments from the Public.

Mr. Jacksic developed a COVID survey for another company and that he is willing to do one for the Township, no charge. He was asked to put this in a summary and send to the Committee.
Thank you

Motion was made by Ms. Butler, seconded by Mr. Lovell to close this portion of the meeting to the public. Motion carrier and a voice vote was unanimous.

Committee Reports:

Ms. Butler: reported that the Grants Committee and Ms. Dunn are working on several grants. Their moving forward to meet the deadlines.

Mr. Lovell: Talked about the Green Acres Grant that Mr. Canace is working on. It should be ready soon for the Committee to advertise for the Public Hearing before June 30th. He will get the Clerk the basic information as soon as possible. He thanked Kevin for moving forward on the appraisal with Land Mark I for the Don Con Property.

Mr. Duffy: talked about having maybe a formal opening Slabtown Creek Park. He asked what the Committee thought. Thanks was given to the DPW for the well-maintained trails. Kevin and Jim McKim walked the Park to follow up on the Horse issues. They noted that the hill had been dug up and again the issue discussed was having a sign to ban horseback riding in the Park. There were several stumps at the base of the hill that could be removed and then some landscaping. Discussion was to see what the DPW could do first before getting quote from a Landscaper.

Mr. Lovell then added that the Message Board out front is showing its age and could use some upgrading. He could use a catalog that he received from the Clerk to get a quote on trex material but he doesn't know if they are under the State contract.

Mr. Campbell reminded the Committee that back in December 2020 the Municipal Building and Township Garage both ran out of propane. The Company apologized for this happening, and they are giving the Township a credit of \$1000 for the Municipal Building and \$500 for the Township Garage for their error. Thanks Tom.

Adjournment:

A motion was made by Ms. Butler, seconded by Mr. Lovell, and carried to adjourn tonight's meeting of the Hardwick Township Committee at 8:05PM

Respectfully submitted,
Judith M. Fisher, RMC